



Appeal Decision

Site visit made on 8 February 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2022

Appeal Ref: APP/F2415/W/21/3284417

7 Willoughby Road, Ashby Magna LE17 5NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Harry Singh against the decision of Harborough District Council.
 - The application Ref 21/00281/FUL, dated 11 February 2021, was refused by notice dated 8 April 2021.
 - The development proposed is change of use from agricultural use to domestic curtilage, to provide additional residential garden for 7 Willoughby Road. The change of use is solely for 7 Willoughby Road and will only be used as additional residential garden area. The current layout will remain exactly the same.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and the local area.

Reasons

3. The appeal site comprises a detached dwelling with a garden area to the rear which is of rectangular shape. To one side is a large parcel of land which is described as agricultural, although evidently it has been used most recently as a paddock. It is enclosed on three sides by a close boarded fence and recently planted conifer trees. The side adjoining the host dwelling is open. The area is characterised by a mix of property types and garden sizes, although generally speaking gardens are rectangular in shape with widths similar to their host properties with the majority of amenity space located to the rear. In this regard, the appeal property is in keeping with the area.
4. Paragraph 3.8 of the Garden Extensions Supplementary Planning Guidance (SPG) (March 2003) advises that proposed garden extensions should not be of an excessive scale and size. Proposals that are small-scale and involve a small amount of land take are more likely to be considered acceptable. In general, the Council will support garden extensions which are subservient in size to the existing garden associated with the property.
5. The parcel of land is substantially larger than both the existing rear garden and indeed the overall plot size of the host property. As such it lacks any

subservience to its host, contrary to the prevailing pattern of development in the area. This incongruity would be compounded by the inevitable inclusion of domestic paraphernalia such as garden furniture and toys, despite being screened in long distance views by the fence. This would be at odds with the guidance provided in the SPG, which I note the appellant does not dispute. From my observations, the existing rear garden of the host dwelling did not appear small relative to the size of the house.

6. The site is bound by a mixture of residential gardens, an equestrian centre and the open space/play area. Due to the position of the paddock between these elements and the host property, it would not represent an incursion into open countryside and its use would be similar to the play area, albeit private in nature rather than for public use.
7. Notwithstanding a lack of harm in this regard, the proposed change of use of the land and its substantial size would harm the character and appearance of the host property and the area. This would be contrary to Policies GD3 and GD8 of the Harborough District Local Plan (adopted April 2019) which state, among other things, development should respect the context and characteristics of the individual site, street scene and the wider local environment. This would also be contrary to the SPG and guidance in the National Planning Policy Framework (the Framework) which seeks to ensure development is sympathetic to local character.

Other Matters

8. My attention is drawn to the Reserved Matters application¹ relating to the appeal property which included a condition to withdraw permitted development rights under Schedule 2, Parts 1 and 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. However, I have concluded that the change of use itself would be harmful to the character and appearance of the host property and local area regardless of whether extensions or minor operations carried out under those parts of the GPDO would require planning permission. As such this does not alter my assessment of the proposal before me.

Conclusion

9. The proposal would harm the character and appearance of the host property and local area. As such it would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR

¹ 04/02076/REM